IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 9228 of 2006(W)

PETITIONER:

K.C. KRISHNAN,
VILLAGE MUKKU, MANIYOOR DESOM, CHEKKIKULAM P.O.,
KANNUR DISTRICT.

BY ADV. SRI.V.PREMCHAND

RESPONDENTS:

1. **THE KUTTIYATTOOR GRAMA PANCHAYAT,**
   REPRESENTED BY ITS SECRETARY, KUTTIYATTOOR P.O.,
   KANNUR DISTRICT.

2. **THE SECRETARY,**
   KUTTIYATTOOR GRAMA PANCHAYAT, KUTTIYATTOOR P.O.,
   KANNUR DISTRICT.

3. **THE KERALA STATE POLLUTION CONTROL BOARD**
   REPRESENTED BY THE ENVIRONMENTAL ENGINEER,
   SUB REGIONAL OFFICE, SOUTH BAZAR ROAD,
   PAYYANNUR-670307.

4. **THE SUB INSPECTOR OF POLICE,**
   CHAKKARAKKAL POLICE STATION, CHAKKARAKKAL P.O.,
   KANNUR DISTRICT.

5. **CHAKKARAYAN CHANDRAN,**
   VILLAGE MUKKU, CHEKKIKULAM P.O., KANNUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC FOR PCB.
SRI.R.PARTHASARATHY for R5
SRI.A.MOHAMED MUSTAQUE,
SC, KUTTIYATTOOR PANCHAYATH for R1 & R2
SRI.M.K.SUMOD
SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOARD for R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.9228/2006 W

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 27/08/2002 IN O.P.NO.18913/2002 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.**

EXT.P2: **COPY OF THE JUDGMENT DTD. 31/01/2005 IN O.S.NO.600/2002 BEFORE THE MUNSIFF'S COURT, KANNUR.**

EXT.P3: **COPY OF THE APPLICATION SUBMITTED BY THE 5TH RESPONDENT.**

EXT.P4: **COPY OF THE LICENCE ORDER DTD. 20/05/2002 ISSUED BY THE SECRETARY, KUTTIYATTOOR GRAMA PANCHAYATH.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 10/01/2006 FILED BY THE PETITIONER BEFORE THE SECRETARY, KUTTIYATTOOR GRAMA PANCHAYATH.**

EXT.P6: **COPY OF THE PETITION DTD. 10/01/2006 FILED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, CHAKKARAKAL POLICE STATION.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.9228 of 2006

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Dated: 20th November, 2007

JUDGMENT

Having considered the submissions addressed before me by Mr.V.Premchand, counsel for the petitioner, Mr.R.Parthasarathy, counsel for the 5th respondent, Mr.M.K.Chandramohan Das, Standing Counsel for the Pollution Control Board and Mr.A.Muhammed Mustaque, counsel for the Panchayat, I am of the view that the interim order dated 1.12.2006 passed by me on the basis of an order of injunction passed by the District Court, Thalassery in A.S.No.32 of 2005 grants sufficient reliefs to the petitioner. I incorporate that interim order and dispose of the Writ Petition without granting any further relief to the petitioner. That interim order will continue unless otherwise ordered by the District Court, Thalassery. In other words, the continuance of that interim order will be subject to the final decision to be taken by the District Court, Thalassery in A.S.No.32 of 2005.

srd **PIUS C.KURIAKOSE, JUDGE**